

00R-195

Introduce: 7-24-00

RESOLUTION NO. A-_____

1 WHEREAS, Sprint Communications Company LP has submitted an
2 application for a permit to use the public right-of-way for the installation and operation of
3 a fiber optic cable in Charleston Street from North 6th Street to Sun Valley Blvd. to
4 relocate the existing line that currently runs through the area of the new Lincoln
5 Ballpark; and

6 WHEREAS, said applicant has submitted a letter of application with a site
7 plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and
8 made a part of this resolution by reference, to use the public right-of-way as detailed in
9 Exhibit B; and

10 WHEREAS, said applicant has complied with all of the provisions of
11 Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

12 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
13 Lincoln, Nebraska:

14 That the aforesaid application of Sprint Communications Company LP,
15 hereinafter referred to as "Permittee," to use the public right-of-way in Charleston Street
16 from North 6th Street to Sun Valley Blvd., as detailed in Exhibit "B", be granted for the
17 limited purposes of installing fiber optic cable as a privilege only by virtue of and subject
18 to strict compliance with the site plans, the letter of application, and the following terms
19 and conditions, to wit:

20 1. That the permission herein granted is subject to all the terms and
21 conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions
22 relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a

1 certificate of insurance evidencing a commercial or comprehensive general liability
2 policy, or an acceptable substitute policy form, with a minimum combined single limit of
3 \$500,000 aggregate for any one occurrence and naming the City as additional insured.

4 2. The work shall be constructed in accordance with plans and
5 specifications approved by the Department of Public Works and Utilities. The facilities,
6 where they are underground, shall be laid to a minimum depth of 3½ feet from the top
7 of the cable to the surface of the ground. All land surfaces and all pavement shall be
8 restored to their original condition after the work is completed on each segment of the
9 project. "As built" drawings shall be furnished to the City by the Permittee to show the
10 precise locations, depths, and nature of all materials installed in accordance with the
11 permit. The City shall have the right at any time when, in its judgment, it becomes
12 necessary or advisable to require a change of location of said facilities as a matter of
13 safety, or on account of change of grade, resurfacing, repair, reconstruction of any
14 street, alley, sidewalk, or other public ground, or the construction of any structure
15 thereon, or for any other reason, all of which shall be done at the cost and expense of
16 the Permittee in a good and workmanlike manner.

17 3. The Permittee shall pay to the City an annual rental for the use
18 and occupancy of the space beneath said public street occupied by such use which
19 rental is currently \$1.50 per lineal foot of space occupied underneath the public street,
20 alley, sidewalk, or other public ground.

21 All payments shall be made to the City Treasurer and shall be due and
22 payable on the 1st day of October of each year; provided, however, the amount of the
23 initial payment shall be prorated from the date of approval of this permit to the 1st day
24 of October, 2000 and payment shall be due and payable on October 1st thereafter.

1 Any such rent shall become delinquent on the 1st day of December of
2 each year and such delinquent rent shall bear interest at the rate of 1% per month until
3 paid and if such rent is not paid for six months or more after such delinquent date, a
4 penalty of 5% shall be added thereto in addition to said interest.

5 4. The use of the public way herein granted and the terms and
6 conditions of this resolution shall be binding and obligatory upon the above-named
7 Permittee, its successors and assigns.

8 5. Any additions, changes, modifications, amendments of the uses
9 permitted herein shall require a new permit or other authorization.

10 6. That within 30 days from the adoption of this resolution, and before
11 commencing any construction under the provisions hereof, the above-named Permittee
12 shall file an unqualified written acceptance of all the terms and conditions of this
13 resolution with the City Clerk. Failure to do so will be considered a rejection hereof and
14 all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

15 The Permittee shall, within thirty days after written demand, reimburse the
16 City for all direct and indirect costs and expenses, as provided in Section 14.53.070, in
17 connection with the issuance and review of this permit.

Introduced by:

Approved as to Form and Legality:

Chief Assistant City Attorney

Staff Review Completed:

Administrative Assistant